



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEDERAL SUMMARY OF REQUIREMENTS: NOTICE OF APPEAL/PETITION FOR REVIEW

Any person who filed comments on a draft permit, permit modification, or participated in the public hearing on the draft permit or permit modification, may initiate an appeal of the permit or permit modification by filing a petition with the Environmental Appeals Board in accordance with 40 C.F.R. § 124.19. A person who did not file comments or participate in the public hearing on the draft permit or permit modification may not petition for administrative review, except concerning those changes made from the draft to the final permit or permit modification (e.g., new or amended permit conditions that werenot included in the draft document).

The petition must follow the guidelines set forth in 40 C.F.R. § 124.19, including, but not limited to, the following:

1. The petition must be filed within 30 days after the Region serves notice of the final permit decision.
2. The petition must identify the contested permit condition or other specific challenge to the permit decision, and must set forth, with legal and factual support, why the permit decision should be reviewed.
3. The petition must demonstrate that each challenge to the permit decision is based on a finding of fact or conclusion of law that is clearly erroneous.
4. The petition must demonstrate, with a specific citation to the administrative record, that the issue being raised was raised during the public comment period or explain why the issue was not required to be raised. If the petition raises an issue that the Regional Administrator addressed in the response to comments, then the petitioner must provide a citation to the relevant comment and response and explain why the Regional Administrator's response was clearly erroneous or otherwise warrants review.
5. The petition must specifically identify in the caption the permit applicant, the permitted facility, and the permit number; must be signed by the person filing the petition; and must indicate the signer's name, address, and telephone number, as well as an email address, and facsimile number, if any.
6. The petition may not exceed 14,000 words or 30 pages, unless otherwise ordered by the Environmental Appeals Board, and it must comply with the other content and form requirements set forth at 40 C.F.R. § 124.19(d).

7. The petition must be filed with the Clerk of the Environmental Appeals Board either electronically (using the Environmental Appeals Board's electronic filing system), by U.S. mail, or by hand delivery or courier.

- a. **Electronically via the EAB eFiling System:** To file an appeal electronically, please visit the following website, making sure to review the [Quick Guide to Efiling](#).

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Electronic+Submission?OpenDocument

- b. **By Mail:** The petition (an original and two (2) copies) and a cover letter that complies with the requirements of 40 C.F.R. § 124.19(i)(2)(ii) must be delivered by U.S. Postal Service to the Clerk of the Environmental Appeals Board at the following address:

Clerk of the Board
U. S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

- c. **By Hand or Courier (including deliveries by U.S. Express Mail or a commercial delivery service):** The petition (an original and two (2) copies) and a cover letter must be delivered to the Clerk of the Environmental Appeals Board at the following address:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
WJC East Building, Room 3332
Washington, DC 20004

Board's Phone Number: (202) 233-0122

8. A copy of the petition should also be served on the permit applicant (if the applicant is not the petitioner), and the Region 4 Regional Administrator at the following address:

U. S. Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

9. A certificate of service that complies with 40 C.F.R. § 124.19(i)(4) must be included with each filed document.